

Scexit?

By David Hearne, Researcher at the Centre for Brexit Studies, Birmingham City University

Touching again on a theme raised in a [previous blog post](#), I want to re-examine the theme of “Break-up Britain”. From being a niche issue, growing awareness in the UK’s national press has meant that it has suddenly taken centre stage. In particular, polling data suggesting that members of the Conservative and Unionist Party (witness the name!) saw the break-up of the UK as an acceptable price to pay for Brexit^[1]. No state has a right to exist and the UK is no different – historical continuity should not blind us to the possibility of dramatic future change.

Where the earlier blog focussed heavily on conceptual issues and nationalism in general, here I would like to look more specifically at practical issues in the Scottish context, although conceptual concerns do raise some practical questions. To begin, note that Scotland voted far more strongly to remain part of the EU in 2016 than it did to remain part of the UK in 2014. As such, there is a very real possibility that a hard Brexit without any kind of Withdrawal Agreement might lead to the eventual break-up of the UK.

Given these facts, it is unsurprising that polling data have shown a shift in Scottish opinion. How significant is this shift, however? All opinion polls have room for error – this is unsurprising. If you ask 10 people completely at random whether they voted Leave or Remain in 2016, finding that 7 out of 10 voted Remain (or that 7 out of 10 voted Leave) would not be surprising. In the real world, opinion polls survey far more than 10 people, but even with 1000 respondents some variability remains.

As such, opinion polls showing that one side or the other are currently ahead by a narrow margin shouldn’t be given too much weight. Contra much of the press commentary^[2], the latest opinion poll showing support for Scottish secession from the UK is actually not significantly different from a YouGov poll taken in April that showed a similarly slight preference to remain within the UK^[3]. More pertinently, however, both are significantly different from similar polling undertaken last year by YouGov^[3] and from the results in 2014.

I make these points neither to support nor to decry the Scottish independence movement – they are simply observations of a largely factual nature. More pertinently, the closeness of such polls suggests that beyond “mere” statistical significance testing, minor shifts in opinion over the course of a campaign in addition to changes in the views of those currently undecided are likely to be crucial. Similarly important will be the exact nature of the franchise. If the UK has left the EU then this would appear to undermine the rationale for including EU citizens in the franchise. Equally, however, if one were to do so it is feasible that they would tip the balance in favour of an independent Scotland that would, presumably, seek to re-join the EU.

A newly independent Scotland would face a number of interesting practical and conceptual dilemmas. Firstly, let us consider the case where the UK leave the EU without a Withdrawal Agreement in place and Scotland holds a second independence referendum early in the 2020s, which is then won by supporters of independence. It is clear that a desire to re-join the EU forms a major part of the rationale for both holding a second independence vote (“something has changed”) and could form a significant part of any subsequent campaign.

The challenge, however, is that as a result of leaving the EU with no Withdrawal Agreement, the UK would presumably have left both the Single Market and Customs Union. Given the predilections of Prime Minister Johnson, it is not unlikely that the “rump-UK” would be well on the way to agreements (especially with the US) that preclude easily re-joining these structures. This leaves the fledgling Scottish state in an unenviable position as it begins moves to join the European Union (and for the sake of this piece, I assume that accession under Article 49 would be fast-tracked, which is not an unreasonable supposition to make, Spanish sensitivities notwithstanding).

Scotland (and England) would face imposing exactly the same set of border constraints that a “no deal” Brexit would impose between Northern Ireland and the Republic of Ireland. The EU will (rightly) not accept violating the integrity of the Single Market, particularly in a way that will benefit a cantankerous ex-member state (effectively England in this scenario). Scotland is thus faced with the unenviable dilemma of choosing either a significant economic hit via a hard border with

England or having to follow the policy choices of its English neighbour in a huge range of areas (including agricultural standards).

There are those who would argue that such independence is scarcely worth the name – is a Scottish government that is effectively precluded from joining the EU by its English neighbour truly independent? Ironically, this position precisely and exactly mirrors that of Brexiters. Just as Scotland would effectively have to follow English trade policy and standards in order to keep an open border, so the UK would effectively be required to follow EU standards in order to ensure no border between Northern Ireland and the Republic (let us leave aside the alternative of a Northern Ireland only backstop, which would be analogous to part of Scotland having to follow the trade policy and standards of England with the rest not needing to).

Just as, at present, the UK has a voice in shaping those standards by dint of its EU membership, so as part of the UK Scots have a vote in shaping UK-wide policy. Both England and Scotland would be faced with a fascinating challenge in negotiating the hitherto uncharted waters of independence. Conceptual issues would be raised by the fact that it is almost certain that some parts of Scotland would vote against independence even as a majority voted in favour. It's particularly likely given the results of 2014 that outlying islands and the border region would vote in favour of remaining in the UK.

As in the Irish case, we would be faced with the difficult question of how to best accommodate the wishes and needs of both border communities and the majority in the country at large. Again, whilst the notion of the “nation-state” and self-determination appears to have widespread acceptance in “the West” as the legitimate primary sovereign unit, such things are conceptually extremely fuzzy. Suffice it to say that all parts of Britain face difficult choices as they sail into hitherto uncharted territory.

1. Smith, M. *Most Conservative members would see party destroyed to achieve Brexit*. 2019; Available from: <https://yougov.co.uk/topics/politics/articles-reports/2019/06/18/most-conservative-members-would-see-party-destroyed>.
2. Learmonth, A., *Scottish independence soars ahead as Ashcroft poll predicts Yes win*, in *The National*. 2019.

3. YouGov. *Scottish independence: Yes vote climbs to 49%*. 2019; Available from: <https://yougov.co.uk/topics/politics/articles-reports/2019/04/27/scottish-independence-yes-vote-climbs-49>.